and merriment around to be the order of the day Among the invited guests present were General Superintendent Talimadge, Superiodendent's Aid Brevoort, ex-Justice Montifort and Ald. Oven, beside quite a goodly company of prominen citizens of the Twenty.

VISIT OF THE SECRETARY OF WAR TO THE FORTS .-Gov Floyd. Secretary of War, arrived in this city on Thursday evening, and yesterday morning, incompany with Gen. Scott and staff, Gen To'ten, Major Barnard and Lieut. McFurston started at 10 c'clock on a visit to Fort Richmond. The various formin and about the barbor will be visited by the Secretary of War for the purpose of examining into their condition, and to ascer tain what improvemen's can be made for the better protection of the harbor.

DEATH OF A PROMINENT CITIZEN -John H. Hicks, a descendant of one of the earliest families belonging to the Society of Friends in this city, and himself for many years a prominent merchan; died at his residence in Union place, on Wednesday evening, of consumptior. He was very highly esteemed both in society and on Change.

MORE RUFFIANISM - ANOTHER MAN FATALLY BEATEN .- Information was received at the Coroner's office vesterday afternoon that Edward Riley, who lived in the rear of house No. 259 West Thirty-second street, has died from the effects of violence recently inflicted upon him by a gang of unknown rowdies. The deceased was passing through Oliver street, or some other portion of the Fourth Ward, a few nights ago, when he was set upon by several persons, who beat and kicked him most cruelly about the face, head and breast. He managed to get home, but afterward sever left the house again, and continued to fall gradually up to the hour of his death, which took place late on Thursday. An inquest will be held or the body to day, and in the mean time streamous efforts are being made to ferret out and arrest the guilty parties.

A Case or Child-Munden .-- An inquest was held by Coroner Hills, at the Eighteenth Precinct Police Station, on the remains of a maio infant which was found in the vault of premises No. 189 East Twenty first street, occupied by Mr. James Dinsmore. Eliza Howard, the supposed mother of the child, had been a demestic in the family of Mr. Dinsmore. Last Monday week she was taken sick, and in answer to questions as to the cause of her illness, Eliza stated toat she had a severe attack of diarrhea, and desired Mrs. Dissmore to send for a doctor. This was done, and when the physician arrived Enza repeated what she had previously said concerning her indisposition, and stated that see then felt much better. After keeping her bed only fer a few hours, Eliza dressed herself, and per ormed her regular duties about the house till the morning of the 20th instant, when she left and did not return again. Here whereabouts is at present unknown. Dr. Beach made a post morrow examination of the body, and testified that the child was born alive. There was no evidence to show the fact, but it is believed that the domestic in question, after giving birth to the child, threw it into the sink. The jury rendered a verdict of death "by suffocation. We far-"tper believe that the deceased was turown into the "privy vault by its mother, Eliza Howard." A warrant has been issued for the arrest of the accused, and placed in the Lands of an officer for execution.

THE RECEST DEATH OF ME. O'MAHONT -For nearly a week past Coroner Connery has had under investigation the circum-tances attending the death of James O'Manuay, late of No 71 Cathacine street, who was found in the bottom of the dock foot of Market street, East River. The evidence of Dr. Finnell, who made a post-mortem examination, was taken some days ago. No marks of violence worth mentioning were found on the body, and the doctor was fully satisfied that death was caused by drowning. The Coroner and jury, it appears, however, were not satisfied as to O'Manony's death from the doctor's examination, and have continued the investigation from day to day till not a particle more of evidence could obtained. The testimory accumulated threw no light upon the matter at issue, and yesterday the isquest was concluded. The verdict, which is as follows, does not seem to be

mbetartiated by the testimony:

"Inal James O'Mahony, the deceased, came to his death at the hands of some person or persons unknown to the Jury, by being robbed first of his water and subsequently thrown into the East River, at Judd's Wharl, on Thursday morning, October 15, 1857."

PASSING A COUNTERFEIT CHECK .- A respectable looking man named George Atwood was arrested yesterday by Officer Stokely of the Independent Police, charged with passing a forged check upon John N. Genin. It appears that At wood went into the bazaar No. 513 Broadway, kept by John N. Genin, and rep resented himself as Caps. Williamson of the ship goods. The clerk showed him about the store, and Mr. Atweed, alias Capt. Williamson, purchased several articles amounting in value to \$16, in payment of which he tendered a check purporting to have been drawn by Mr. Moses Taylor. The following is a copy

NRW-YORK, Oct. 19, 1857. THE PARK BANK: THE PARK BANK:
Pay to ship Maris, Cap! Williamson, or bearer,
two hundred and fifty dollars.
\$250.
MOSES TAYLOR.

The castier not suspecting the check to be a forgery took it in payment and returned Atwood alias Williamson \$234 in good money. Upon presenting the check to the Park Bank the paying teller declared it to be forgery. Officer Stokely was employed in the matter and succeeded in finding the accused and arresting him. The prisoner was fully identified by the clerk and cashier in the store and committed by Justice Consolly for examinat on.

APPREHENSION OF MORE BURGLARS -Two men giving their names as Carrisso Palermo and William Senard, were arrested yesterday, charged with burglariously entering a liquor salcon on Broadway upon which the Sheriff had levied, and stealing therefron about \$150 worth of property, which was afterward recovered from a house in Mercer street, whitner it had been carried. Justice Wood, before whom the accused were taken, committed them to the Essex Market Prison for examination.

A wel-known burglar named William Barke, alias Fatty Burke, was arrested yesterday morning in the office of Mr. E. M. Lawrence, No 44 Compkins street. Burke had burglariously entered the premises for the purpose of theft, and was overhau ing the desks when iscovered. When surprised by Mr. Lawrence Burke raised an ax and threatened to cleave Mr. L. in twain if he did not permit him to leave. The accused was taken before Justice Wood at Essex Market and committed to prison.

James McBride was apprehended yesterday charged with stealing \$57 from the money-drawer at the grecery store of Anthony Mulligan, No. 221 First averue, the proprietor at the time being asleep in the store. Justice Wood committed James to prison for

THE GREENPOINT COUNTERFEITERS. - The case of Joel Moore, charged with utteriog face and counterfeit bills on various banks, was taken up for investigation by Justice Flandress, at the Jefferson Market Police Court yesterday afternoon. Ex-Justice Ste 4art appeared as counsel for the accused. George W. Bruce, Sergeant of the Seventh Precinct Metropolitan Ponce of the City of Brookiyn, testided, that during the early part of the evening of the 22d of October, he, in company with officer Wildey and Robb, searched the premises of Joel Moore at Greenpoint, and found bassed or secreted in the deor-yard of said premises seven \$5 bills on the Lee Bank of Maces chusetts, amounting to \$35, which said bills are worth less. The bitle are of the same description as these previously altered and published, and for altering which, reversi persons have been arrested and committed. Witness further testified, that said bills were

found fied up between a shell and a piece of the sole of an old shoe or book-the piece of a cole having the appearance of having been worn in a marble yard. from the fact that the same upon it is the same as wit-ness has seen at the shop of Mr. Moore. The bills were found in the decr-yard, under the limb of a tree. partially buried in the ground.

At this point of the examination the case was adjourned for a further hearing.

PROSECUTION OF LIQUOR DEALERS.—The District-Atterney has commerced a number of suits against quor dealers, under the twenty-first section of the Metropolitan Police act, which forbids the public'y keeping or disposing of intoxicating drinks on Sunday. The penalty in the case is \$50 The first individual henored with the service of the "papers" was Thomas H. Ferris, keeper of a liquor establishment at No. 354 Grand street, a somewhat prominent Democratic politician of the Tenth Ward. If Mr. Hail gets a decision in his favor in the first cases brought to trial, he will prosecute the whole batch of Sunday sellers as fast as possible.

The Grand Jury have found an indictment against James Rodgers, for the murder of John Swenson, in the Tenth avenue, last Salarday night. On motion of the District-Attorney, the two boys, Daniel Cancingham and Stephen Garney, were committed in default of bail of \$2,000 each, to appear as witnesses for the people.

SUICIDE OF AN INSANE WOMAN — Yesterday morning, about 74 o'clock, Mrs. Mary Cocke, a German woman, 57 years of age, who was temporarily stopping with ter married daughter, residing at No. 367 Madison street, was found cend in her bedroom, shahaving committed suicide by hanging herself. Coroner Connery held an inquest on the body, when it appeared by the testimony of Gabriel Cooke, his bad of the decessed, that for three Autumns pastshahad been subject to a species of iterabily, but from what cause did not appear. Within the last few weeks Mrs. Cooke had frequently threatened to kill herself, and as Mr. Cooke was necessarily absent at his business during the cay, she was taken to the residence of her daughter in order that she might be closely watched and prevented from consummating her purpose. Mrs. ter in order that she might be closely watched and prevented from consummating her purpose. Mrs. Cooke retired to bed as usual on Thursday evening, taking with her her little granddaughter. After the gill left the room yesterday morning Mrs. Cooke, by means of a silk handkerchief, suspended herselt to a nail in a beam above her head, and when discovered some time afterward by her daughter life was extinct. The Jury rendered a verdict of death "by suicide by hanging horself by tying a black silk handkerchief to a nail in a beam in her bedroom and adjusting it around her neck from which she lay suspended until found dead this morning. Oct. 23, 1857."

THE DEATH OF THE BOY O'CONNOR - The death THE DEATH OF THE ROY O'CONNOR—The death of the boy James O'Connor, who recently died at the residence of his mother, in the rear of No 251 West Thirty-ninth street, was not occasioned by violence, as at first reported by the relatives and friends of the deceased. They stated most positively that the boy had been violently assanited and cruelly heaten by Michael Frischer a German, woo lived close by them, but such a state of facts was not proved and did not exist. No evidence whatever could be produced to show that Mr. Fischer was chargeable in the least degree for the boy's death. Coroner Hills held an inquest on the remains and entered into a thorough investigation of all the fasts connected with the rumored homicide. Considerable testimony was taken out it is mostly of an unimportant character, and has be "little besting upon the case as originally reported by the relatives of deceased. Below, however, will be found the evidence of the examining physician:

by sician: Wooster Beach, jr., M. D., being duly sworn, deposes and says—I have made a post mortem examination of the body of the deceased; I found an abrasion of the skin over the left shoulder-bisde, and two slight bruises over the ossacram; the first bad existed for some length of time; the last were of recent date; the luterral organs were all healthy with the exception of the lungs, which were congested; there was no injury to the spine.

A LITTLE GIRL BURNED TO DRATH—Coroner Gamble held an inquest at the house No. 78 shith avenue, on the body of Alice Amanda McCoy, a little girl three years and the month old who ded from the effects of burns. On These day last, as appears from the evidence taken before the coroner, the deceased and several other little a ris were at play in an upper room, in the fire place of which was a small charce as firnance. Alice unconsciously ventured too man the farmer, and in a few moments her clothing was in a blaze. The child accepted with pain, when her father, Edward McCoy, who was below, ettending to his store, ran up stairs ame pit out that fire, but not fill the girl was fearfully burned. Death ensued on Yhursday. The Jury rendered a verdict of "Death by burns accidentally received." A LITTLE GIRL BURNED TO DRATH - Coroner

False Pretences—Officer Bernett of the Lower Pelice Ceurt returned from the city of Troy yesterday, having in enstedy one Michael Goldstein, a German, whom he apprenended at that place upon a warrant issued by Justice Councily, Goldstein is charged by Michael Lippman; of the firm of Al. Lippmans A Brothers, doing business at No. 115 William street, with having, on or about the Stin day of March last, and at other times, derauded said firm out of goods to the vaine of #301 i3, by means of false ans fraudulent representations. The accused was conveyed before Justice Councily, and committed to the Tombs for examination. Goldstein it is each has had three elothing stores in operation at one time in Troy.

STEALING A WATCH. - Rachel Hunter, a colored

THE PERSURY CASE AT THE TOMBS .- A further invertigation was had yesterday in the case of the Pople against Nathan Levins, charged with perjury by Isase Steinhardt, before Justice Connolly at the Lower Police Court but no new facts were clicited. The matter was postponed till next week.

A MONSTER ENTERTAINMENT. To-Night Manager Pundly presents a powerful programs of Anusement at the favorite NATIONAL THEATER, consisting three of the most attactive pieces of the Session viz. Bilas Steel's new Indian Drama of "Oniska," the new as successful dramatization of Cobb Ledger Story, "Bion, The Wanders," and the Musical Speciated Drama of "The Lord of the Islas."

ALBANY. - FORTUNES TO BE MADE. - We under-

etaid that there are 400 EULDIAG GOTS to be Solor at public anothen in the City of Abhan, on Tursmay next, as it o'clock. The sale is peremptory, and the lots will probably be seld at a great sacrifice, on account of the heat times. This is a good time to purchase, as the lots offered would, in the Spring, command from lie to 20 per cent more shart they will bring at this sale. The lots are chighly located on Lydius at. The sale is to take place on the premises.

CARPETING AND OILCLOTHS.—The entire stock CARPETING AND CHLCLOTHS.—The editire stock to the carpeting and Olicicths imported by W. R. Havens, for the wholessie 1side, is now offered in lots to suit purchasers, for each Splencid Tapestry Carpets, usual price \$1.5°, n.w. \$1; Olicioth, tomerly \$1, n.w. \$2, per yard \$1.0° yards Olicioth, \$2, per yard.

GENTLEMEN'S HATS.—Nothing can be more elegant and dashing than the style of the Espansion to hat for she arreset reason. Soid for \$3.50, at No. 118 Nassaust. Give him a call.

fadvertisement | fadvertisement | factor | facto

[Advertisement]
REVOLUTIONARY TIMES.—With the panic opens a new era in 1837, in the pursuit of picture manue. Perint coat-ing heretofore #5 and #16, are now taket and sold at Holmesis Gallery for 12 cutts. Marvelous but true. See them at No. 239 Broadway.

[Adv.rtisement | Our native forests furnish us with Nature's own remedy for as Long complaints. Dr. Wistar in his Balsam, combines the assentia quantities of the Cherry Bark with Tay Water. It has core using cases of seated consumption. None gendine unless signed I Butts on the wrapper.

BROOKLYN ITEMS.

The Rev. Wm. F. Morgan, Rector of St. Thomas's, New-York, will prescu the first of a course of the Sermons to Parents in Grace Church, corner of Cortelyon and Lorimer streets, Williamburgh, on Sunday evening at 7 o'c ock. Seats free.

FARMERS' AND CITIZENS' BANK .- This institution estimes business this morning the injunctions and other proceedings having been quashed by Judges Birdeeye and Davies. Both Judger denied the appoicarion for a receiver, declare the bank to be perfectly soivert, and cirect the arrigneer, Mears. Layton, Firle and Authory, to rearrigh the property of the tack to the off ere.

SIATH ASSUMBLY DISTRICT—A card has been instead to the American and Republican votors of this District, calling on them to endeaver to units on one or the other of the candidates which have been presented to them. The candicates are also origed to submit their claims to the Gouventhous who monitated them, and if a joint Convention can be had, to abide by the decision of such Gouventhous.

CARRYING BUNDLES AND PACKAGES ON RAILROAD CARS—Some days since, Theodore at Lewis and Richard Lewis mought an action against the Stocking Git; Fallers of Campany for damages, the conductors of one of the eye having lifted off a carniphole of fiquer and pieced it on the sidewark because the compistments refused to pay for the space it occupied. The carse was argued before Justice Voorties why restrictly decided that the Company had a right to charge for bundles, passaged.

As , when they compled space intended for passengers and their agrade were justifiable in setting such property off the oran as my part of the route if the corner of uses to my a tra-regular rates established by the Greepany. As no damage had been done to the property of the complainance, judgment was attend in layer of the defendants, with cester.

COUNTERFEIT MONEY FOUND -Officer Brown, of the Seventeerth Word, will a archive the previous of McGraw, the courterfeiter on Thorsday discussed 40 in constraint bills of the Lee Bank, included in an oyster shell and buried in the ground a few inches beneath the surface.

Mary Kelly has night for stealing a showl from store No. 192 Fulton street. She had in her possession one down child's confinite, one help pulks jecked, one heaves blanket helf down scribbling brushes, a silver spoon merked "M P L." and one isce certain. The articles are at the First Precised Station-House.

Shoptiffing.-Thomas Lander was arrested on Thursday evening for stealing a for Victoriae from the store of James Pinder, 286 Grandestreet. The fore were hanging qualified the store, when the prisoner season does not a no off with it. He was sent to the Penitentiary for 60 days by Justice Clarry.

SKINNING & COW .- Jacob Klotz was Ene & \$100 yeaterday, by Justice Feeks for skinning a cow on me premises, in the Eighteenth Wesd, the same being in violation of a city or dinance. In default he was sent to the County Jan for 30 days

NEW-JERSEY ITEMS.

DEMOCRATIC COUNTY CONVENTION .- The Demcratic Convention of Hudson County for the nomination of Sheriff and Coroners, was held peaterday afternoon at Meritanore's Hotel, Hudson City. The Convention was ore sixed by ceiling Charles Fink, seq. of Jercey City, to the Chert. Mr. H. B. Besty was renominated as a candidate for Sheriff by accismation. The following nominations were made for Goroners: Laurence Whitney of Hoboken; Michael F. Counett of Harrison, and Burnett Mcunrally of Jersey City.

AMERICAN COUNTY CONVENTION .- The American party of Hedson County held their County Convention at Day's Hotel, in Hudson City, yesterday afternoon, and made

bay's Hotel, in Hudson City, yesterday afternoon, and made the following nominations:

For Sherty—Epinam Fray of Jersey City.

Corners—David th. Revow of Jersey City. Rethnel N. Crane of Hoboken, and Abraham Speer of Hudson City.

INJUNCTION REMOVED—The injunction obtained against the Hoboken Water Commissioners, restraining them from proceeding with the introduction of Passade water into Hoboken, has been removed. It was around before Chanceller Williamson on Saturday last, and a decision was rendered on Thursday in favor of the Commissioners. It is said that the work of laying the piper is to be commenced as soon as possible, with a view of completing the work before the ground becomes frozen.

Mysterious Disappearance of a Corres.—No further developments have been made in the matter of the supposed dead body of a woman seen by Mr. Kenzel in Prospect street, Jersey City Justice Becford yesterday visited the locality where the body was seen and made numerons inquiries of the people residing in that vicinity, but could learn nothing leading to a solution of the mystery. It is now be level by many that the woman seen by Mr. Kenzel was drank and not deed, and that she recovered and walked away after he had passed; but Mr. Kenzel still persists in the belief that she was dead. He says that he did not touch or examine the body closely, but thinks that from the manner in which the head and neck were turned under it was impossible for her to have been living. Time me and may not clear the case up. As it now stants, it is not likely that there will be any further investigation.

LAW INTELLIGENCE.

SUPREME COURT-SPECIAL TERM -- Oct. 23.—Before Judge Prancity.

DECISION IN THE STREET COMMISSIONER'S CASE.

Din'el D. Conover agt. The Mayor, &c., Charles Devin, et al. Some time ago Mr Conover made at application for an injunction restraining the Court of Common Pleas from taking any further action in the matters relating to the effice of Street Commissioner, and confining the lirigation to the Supreme Court, where it began. A R-ceiver of the books and papers was also asked for. On Friday Judge Peabedy decided the motion. He granted the frjunction, but denied the motion for a receiver. We give his opinion on the various points:

granted the injunction, but denied the motion for a receiver. We give his option on the various points:

OFISION.

This litigation has its foundation in the claims of the plantiff Conover and the defendant Devin, respectively, to the office of Street Commissioner of the City of New York.

The Plantiff claims the office by virtue of an appentment by the Governor, and the defendant Devin, claims it oy virtue of an appointment by the Mayor and Alexamen, and each claims to be my the actual incumbent of the flice.

No suit or eggl proceeding to test their claims in this respect, has very been instituted by either; and no adjudention on the subject of general colligation on them, or at all obligatory on that persons, reconsidered them, or at all obligatory on the persons, reconsidered them, or at all obligatory on the persons, reconsidered them, and the claims of them, by the mayor of the constory and use of them, not only has been the subject of hispation between them, and the claim of each of them by virtue of the office, to the constory and use of them, not only has been the subject of lingaling proceedings and adjudication between them, but contained to constitute more or less derectly the basis of this and the serveral other suits which will have to be considered herein.

On the light day of June. 1857. Conover applied to me as a justice of the Supreme Court, under see, fir of i. R. S. p. 125, for an order directing Devenit to show cause way as should have compelled for the with to deliver to him (Conever) the books and papers, maps and occuments belonging or apprent and any order was made and was returnable on the 23d day of June, and the sammation of the subject including the taking testimory and angoments of counsel, was proceeded with from day to day until the 25th, end my decision, was inside made that said Conover was entitled to said books and papers, and an order was made, that he should deliver them accordingly forting the books and documents belonging or appertations to the office of street Commissione

tain and continue the use and cuatory of them.

This was a direct proceeding between the parties. The only question tried was, the right of the parties respectively to the broke and papers. At The plaintiff claimed the right of them. The defendent denied the title of the plaintiff, and asserted his own title to them. The plaintiff in reply denied the title of the detendant and reascerted his right. Each asserted his own title and denied the title of the other, and the issues, thus joined, were tried with much care and deliberation, and derived.

jouned, were tried with much care and denote the circle.
This decision has never been reviewed, as by law it might.
This decision has a special correvisery tribunal; has never been, have been, by an appellate or revisery tribunal; has never been, in any nature, reversed or vacated, and accordingly, the judgment there pronounced is in full force and obligatory upon the

have been, by an appeliate or revisity stibunal; has never been, it ary manner, reversed or vacated, and accordingly, the judgment these pronounced is in rail force and obligatory upon the parties.

It may be correct, or it may be erroneous; and, as to its binding effect upon the patthes, while it rensains it is not important whether it is the one or the other. Neither party has appealed from it, and as to each, it is now. I suppose core naive. No other proceeding or suit, to the same end, has been instituted, and the occusion or judgment then rendered cannot properly be received nor can the question there decided properly be received nor can the question there decided properly be received nor can the question there decided properly be readyndroated in any obligator in the decided properly be readyndroated in any obligator in the decided properly be readyndroated in any obligator there are the animal party of the party of the proper. Until that is done, however it remains a valid and conclusive judgment, determining the rights of the parties in the premises; as does, indeed, the decident of every Court, even the humblest in the land, until reversed or vacanted.

This proposition I do not understand is by any one in any manner do nice. It may at times in the littigation that has followed have been forgotten or lost sight of, and thus have been disrepanded for a time, but I am not aware that any one has ventured to anthesy it or claimed the reverse of it.

For the purposes of this suit, then that juddment is conclusive upon the rights of the parties. Connect and Devlin, to the books and payers, kee.

The early, silhedum represented on that trial, and throughout the whole of it, by connect, and heard at full length, still if it have any right not represented by the direct parties to the suit is not cucled do so one of the parties to the record.

The early silhedum represented on that trial, and throughout the whole of it, by connect, and heard at full length, still if it have any right not represented by the direc

at least unobepated bere.
What replays had the city which were not connected with the cities are director atto these only is it not bound by the decision in the standary prosecting. The statute under which I was acting an vides a tensedy by which a successor to an office may set presents of "any books or papers belonging or apper tenths to each office." It is flows that the officer issa a right to the presention of such hours and papers. The partition by which a proceeding was insurated, and all the subsequent papers and measures, had reference to the books and papers, and dearth-of the thing scought as "belonging or appertations to the "cities of Street Commissioner of the City of New Vora." The claim was limited not only to these books act, but the claim to the whom and to be presented on the books and papers be those may only to be presented of them to the extent to which they belonged to the flice. As to "the books and papers be those into appertations to the office of Street Commissioner of the City of New York." What rights had the city independent of such as against the Street Commissioner. For one or the other of these parties, it was contraded on all hance in that proceedings as it is this was and is street Commissioner. As agreed therefore, and all agreed here, that the atual Street Commissioner was at it is before the Court and the city is represented to far as that effort may represent it in matter of this land.

ascertain exactly the dividing line between the rights of To accertain chacky the distribution between the rights of the rity and these of the Sirest Countries comer would require too much time for the present occasion, and is not necessary; it is sufficient at this point to say that the city had no rights incon-sistent with the passession and use of them by the officer, who were to make the life will hardly be contended that he had no rights; that the city could whalls divert the results, "books " and papers appertunding to the office," from the officer; and as Context was not attempting by the proceeding before me, to establish what were the rights of the officer over them, or to ac-quire my stated, or finite right over in, or to them, but only to sequire the passession or control, by which he might encesses the right to hich appetituded or belonged to the effice and lim-ted his costan to that, more or loss, it seems to follow that the

power of exercising those rights, whatever they might be, more or local to the life Street Commissioner) had some right or other to these books are power, that he had (if he were such officer) the right to a no had of possession, use, or control of them, is not, and I as unne cannot be dested. The rights of the cry will it had any, except through the officer commenced only where the rights of the office terminated. As to its rights connected with the officer, it was represented letter me by the efficer, and was concluded by the decision there. As to its other rights (if a have any), they are entirely subordinate to those of the office, and afford no ground for an interrupt's not the possession, or a restraint of the use of them by the efficer.

The history of the legal proceedings on this subject is important in considering this mation for an injunction and receiver.

subordinare to bese of the ames, and and no ground for an interrupt in of the possession, or a restraint of the use of them by the differ.

The interry of the legal proceedings on this subject is important in considering this motion for an injunction and receiver. The proceeding before me, residive to the possession of the books and papers, was common need by Conever on the 19th of June, and on the 18th of July my decision was made, that he was Strict Commissi Ler, and entitled to the books and oppers. On the 28th of July, a getting common as and in the two subject commissions and the 18th of July, a continued, as parts, an injunction, on motion, was dissolved. On the 18th of July, a testing possession of the books and papers. On the 18th of July, a testing possession of the books and papers and the 18th of July, a resolution was pending before the 18th of July, a resolution was pending before the Board of Councins en, to delive the books and papers into the possession of the Corporation Council and instruce him to allow bestlin to use them apparently it tended to defect the proceeding before me; and Convert in this suit ausinst Decilia and the Corporation Fromesia, and also restraining any act to defeat the proceeding which injunction is still in force.

On the 18th of July, a swittin the Common Pleas was commenced by the city against Conover and the Sheriff of the common still and the Common Pleas was commenced by the city against Conover and the Sheriff of the common still and the Common Pleas was commenced by the city against Conover and the Sheriff of the common state of the large state of the books, after the common Pleas was commenced by the city against Conover and the Sheriff of the contribute of the c with the books &c. and from doing anything to prevent their delivery to Conover, or the execution of the warrant, except by a review of the statutory unceredings before me; and an injunction against Bertholf and Farr unton restraining them from delivering the books to any percent except pressure to the warrant, was commoded. On this an order was made to show cause why an injunction as somed about on the granted and a receiver apprinted, and a temporary injunction was allowed in the head time. There was also a suit commenced in the Supreme Court by Conover against the City and Devlin and the Sheriff status.

On the two orders to show cause just mentioned, a motion is made for the injenction proved for in the compaints and for a creiver, and that motion I am now to decide.

The recently for something which shall confine the litigation in this matter to some one Court is most apparent from the above narraity. The two Courts—this and the Common Pleus—have narraity. this respect, materially different. The decision in this Court preceded that in the Counter. Pleas and was urged on the argument of the case in that Court as appears. I believe, from the opinion, not only as an authority, but as establishing by adjuctice that the rights of the parties. But the argument did not prevail and the injunction, on solemn argument dissolved and deficilly the Court, was subsequently genuted and, on this solemn argument, confirmed within fifty days afterward in that

Court.

Bere are the decisions of two Courts directly in conflict on the same subject matter. Which is correct is not a matter of inquery here. We are not reviewing either of those decisions I couldn't of eight diffidence at approaching such a task as eviewing the decision of either of those eminent judges, and that to such duty is imposed on me is matter of most hearty welf-granulation.

reviewing the decision of sinier of those eminent judges, and that no such duty is imposed on me is matter of most hearty religiantulation.

The two Courts, thus stating from the same point, have taken appears cirrections. Other differences of options, equally striking, tet seen that Courts and tale and between Judges of the two Courts, have occurred in the course of this litigation repeatedly, but an enumeration of the cause of difference of comion is not important. The instance I have given show she improving ability of a nitualize parallel litigations in two Courts of the same matters. Indeed, evicence or disstantion of such a fact secondary necessary, for it is within the observation of almost every one that on the complicated and vessed questions which came under the investigation of Courts of Justice (and this increasing embraced in that class). Courts like individual minds, out effect frequently. Every dissent or a member of a Court from the opinion of his brethren, and every teveral by an applicate Court of the decision of its infector, are instances of difference of juddiels opinion on exactly the same facts, whated in exactly the same words; and neither of these cases of difference is of rare countrelice. Both on the contrary, are very common.

The two Courts thus pursuing appeals courses of decision, it is manifestly desirable that the intestion in one about the suspended and the whole confroversy conducted to its conclusion in the other it is more than desirable. It is indispensable to reason aborderly and decorous administration of justice. It is

in the other. It is more the desiration in one about the ease must be the controvery conduction to its considered in the other. It is more than desirable. It is indispensable to a reasor able orderly and decrease adminial ation of justice. It is necessary.

How shall the decision be enforced? Assuming that both how which Court is shall be continued? And when that is decided how which from it shall be continued? And when that is decided how which from it shall be decided and when that is decided how which the pulsidication to the same extent, and can administer instites with equal facility and became, the rate that the Court instite with qualified for its decided to the institution of the same and it stain it and draw the litigation whenly to true I seems to be proporty applicable. It is perfectly free from column consistent with the fallest county, the most delicate respect and the amplest fractual regard and connectation for the courts with you go is more constitution. The courts with you go is more constitution of the Gourts with you go it more constitution of the Gourts with you go it more constitution of the Gourts with you go it more constitution of the Gourts with you go it is more constitution. It is a sound the whole of this contraversy and conduct to an issue that the other their pointing magnetic of the case may with propriety be allowed to determine it. On the subject of invalentation is power, there ext anney be no opjection to this Court, succeeding as it does to at the powers of the Court of Kings' liberah and having, or very subject within the justice of invalentation of a party may not up probably are it may just a probably are it may just a probably are in which the addition of a party real time or tarrying without the courty, or any one of its many purposes is that the Court of the court o

in a they are not to such to server the littration from the Goal in which is bed been communed by agreeing to another Court to the trial the could be and accordingly be would than seried to the should do not be Goard then been the lightent better it. It was the right of the party first appearing to the Court to the institute of the party in the appearing to the relativistic fillend. The Court to supposit to the server was beyond to follow to the same Court, and not by well a section to embersus and eath git matters already more than a flictuity outpicate.

At the sairs between these parties, from the one communedation to the Total of Jane been been on the same subject to the one to the sairs between these parties, from the one communedation to the Court of Jane been been on the same subject to the total of Jane been been on the same subject.

Court.

And so in every case where the restraint was demanded for any other reason than because the Court in which the suit was pendina lackes the power of administering Equity. Restraint for this reason came to move the equity in system like ours where all Courts have those powers. The existence of equity powers in the Courts will do away with the recessity for such restraint in a large class of cases, because the absence of those powers would often be a cause for restraining proceedings in such a Court, on the ground that the controversy could not properly be ended and disposed of without the exercise of those powers, but it is entry in cases of that class that the existence of equity powers in the Courts is at all material or the question whether their proceedings of suits in them shall be restrained Suppose for instance, that an equity suit were commenced in this Court against ten or twelve defendants, and one detendent, invite cerasion for affirmative relief when work properly authorize the filting of a cross bill, should construct a soit in that nature in the Common Press, and except properly authorize the filting of a cross bill, should construct a soit in the Superfor Court, and another should file cite in a Court of New Jersey, and stocher in Connecticut, all those Courts basing pleasary equity as well as common law powers, who can doubt that some one of the Courts would be found to insist that the parties plaint in none of the Courts is should be restrained, because, foreach, the Courts is a equity as well as common law powers. It may and who would shoult which Court should issue the market, thus Court having first had possession of the substructed the first in a lits parts. Undoubtedly, the case of Grant va.

Quitk (f banef, S C R, 612) was very properly decided, and it nesse were wainting to prove the necessity of confining liting the other Court having first had possession of the substruct for it and its apprentice on the same subject matter to dispease of it legaley and equitably (which is all the been cited in this case in the Common Fleak, and the case there had a nown, what appears faily here, that there was at least one suit pending in this Court between the same parties respecting the same subject matter; and their another, of earlier date, by the same plaintiff as the one there, was still pending here, or had just been discontinued after a decide in it adverse to the plaintiff, I am sure that the learned first Judge of that Court, in his decision, would have given unterance to the operations of his mind, in language not critice that of our sloquent and venerable cotemporary, and would have embraced the opportunity for re affirming his comments in not the principles of enlightened equity and elevated country on which the decision in that case, in the Superior Court, proceeds

Ms. conclusions set:

1 Trust he right to those books and papers as to the parties heret. Deviles are Courver, is, by virtue of the decision in the standary proceeding between them, res adjudicate and that they are encluded thereby.

4). That as to the city, it has rights to them, but that those right are chefully fir the purposes and uses of the office to which they have been decleated by it.

111. That as to all the rights the city has on that ground, it was represented by the efficer in that proceeding and as to them it was bound by the decision therein as privy.

11. That as to the cliphs of the city, they are enthesy subject to those of the office, and are only the re-diduces, or what remains after all the purposes of the office or which they are on my bear of the office. They have a represented by the officer in that proceeding and as to them is anticles of merchandias, and not for their contents or value as connected with the purposes of the office, they being subject that here of the office, and are only the re-diduces, or what remains after all the purposes of the office they being subject to the rights of the office. They being subject to the same of merchandias, and not for their contents or value as of merchandias,

showle retain its jerisdiction and confine the littration to that iterum.

VII That efforts by either party (and particularly by the party involving the aid of the Court first in possession of the case) to given the littration to another Court, should be restrained and that for that purpose an injunction is the usual and proper retained.

VIII. That it is most especially the duty of the Court not to pennit a transition from it to another Court by such a party, after an adverse decision on his claim in the Court to which recort is first hed by him.

IX That the practice in Courts of Equity, of confining littration of a subject to the Court in which it originates, is of psecular value in this case; that it seems the conservy to a consistent orderly and effection deministration of justice; and especially set to that desideratum in all cases like this, a speedy termination of enumerous party of the court o

as recibily so to that desideratum in all cases like this, a speedy ero in alton of a threezes.

A. That the propriety of the remedy in a case of this kind, a rot affected by the fact that the Court secondly acquiring ju-sidetion of the matter has equity as well as common-law risdiction of the finiter has equity as wen as community powers The legimetion asked, therefore, must be granted; but no suf-

Richard Van Vechtenagt, Mary Van Vechten, &c. Decree of divorce, awarding the custody of the children to the pash off, the reformat having been proven in every way unfit to have the charge of their education or maintenance, until the

to have the charse of their education of maintenance, until the further order of the Court.

M. Price Magne agt. Alfred S. Livingston, et al.—
Findings of fact estiled and the conclusions of law modified.

In the matter of the petition of Ellen Haggerdorn, an infant, for the sale of real estate.

As far as it appears from the papers in the case submitted to the Judge, the bequest of the land sought to be sold is void, as any-priding the youwer of alienation for a longer period than the duration of two lives in being at the death of the testator. Perhaps there are facts, not stated in the papers, which will remove this difficulty.

NEW RULE IN REFERENCE TO APPEALS FROM MANDLE AND DISTRICT COURTS, ADOPTED OCTO-

RIVE AND DISTRICT COURTS, ADDITED OCTO-RER, 1857.

Appeals from the Marine and District Courts shall bereatter and until the further order of this Court, be heard eraily at the Genera Term appointed for the submission thereof. The parties will be confined on the argument to a brief state ment of the facts and points invalved and authorities relied on, unless the Court shall otherwise direct.

UNITED STATES DISTRICT COURT—Oct 75.

Judge Rietts remarked that since the beginning of the Term he had been absent only two or three days, and then it was owing to Uneas in his family. On these occusions his piece had been called each cap, but lawyers had been dilutary, and other called each cap, but lawyers had been dilutary, and over the transfer and nearly few cases ready. He then gave action that he should confine of clerky was persisted in, be should thus adjourn for the current of chird was persisted in, be should thus adjourn for the Term, and so on each Term until commit became more prompt.

BEDOELIN CL'Y COURT-Before Judge Couven.
Forderick Meyer and The City of Sire klyn.
Action to receive destingth for higherine and also be inguised for the grant who in the course from a vector, caused he also account. The evidence for plaintiff herita became the dead the Couperair of Attenday, on the part of the defan absoluted two points for the counteration of the Court and always. Let That it was explight when the section counter not that the plaintiff, having frequently driven here the model, was unjured by his own negligation. 24. That he are also me as within these test of the track of the Oldy Label of the pany, which Comeany was, by taste charter, required one pany, which Comeany was, by taste charter, required one plaintiff. The city of the counter to hable. The case being given to the Jure, who it is also to acree when the Court mee, were directed to the start of the start of the case being given to the Jure, who it is also to acree when the Court mee, were directed to the

The Court devotes between one and two boars today is passing entence upon principles. One. Good, continued
that week of highly, was sented out to the State prison for the

the Court.

The Cirard Jury entered the Court-room at this stage of the proceedings and announced that they had finished all business to fire them, when they were discharged with the thanks of the Court.

Philip Velman, Moses Hortz and Simon Isabbacha.

COCK-LATTING—At Latting Town Long Island day Cet 20, by the Ben. Mortis Foodick. County, Queens County, Townsend D. Cock to Jane D., day Jes. Latting, eq.

PARSONS — PALMER — At Rye, Westchester County, on Thersony, the 12 by the Rev E. D. Bryan. William H. Parens of New York, and Launa C, eidest daughter of John Falmer, esq., of the former place.

PHELPR—PROPYLE—At Valatie, on Thursday, Oct. 15 by the Rev H E. Niles of Augelien, Lemmel H. Phelps to Come rine M. Prosens, both of the towner place.

RIKER—ROWNE—At Finabling, Long Island, on Wednesday, Oct. 21, in St Occare's Church, by the Rev J. Carpenter Smith Sylvanus B. Riker of Newtown, to Holen, daughter of Walter Howne, e.q., of the former place.

SMITH—WEST—On Tursday, Oct. 20, at New-Rochells, at the residence of the bride's father, Capt. Stephen W. West by the Rev. C. J. Paige of Piscentaway, N. J., Col. Wm. M. Smith of New Orients, La. to Miss Louisa A. West of Research of the Rochelle, Westchester County N. Y.

black on Friday morning, Oct 23, John Black, in the 78th there was at His relatives and friends and those of his cons. William and hetween the James are respectfully invited to attend his funeral on Sua-

day, the 2th irst, et 2 o'clock p. m., from his late residence, No. 71 East Seventeenth attreet, near Fourth avenue. BARRATT-In Brooklyn, on Wednesday, Oct 21, ide, dange-ter 61, albed and sharba Barratt, aged 2 years and 10 months.

teref alfred and Martia Barratt ages 2 years and to CALLAHAN—At No 9 Sixth street, on Thursday morning. On 22 J. hn Edward, only sen of John and Mary Callahanesed 1 year, 3 mouths and 5 days.
FITZSIMMONS—In St. Louis, Mo., on Priday, Oct. 2, Margaret, wife of Thomas Pitzsimmona, and daughter of Lamicon and Sargaret Burke, aged 19 years.
HICKS—In this city or Wednesday, Oct. 21, at his ceridence, No 25 Union square, John H. Hicks, aged 55 years.

HICK N-In this city of Wedlesday, Oct 21, as in several No. 56 Union square, John H. Hicks, used 55 years.

BEBRON-At No. 424 West Forsieth street, on Thursday normbas Oct 22 Jeach Francis, sen of James and Julia Herren, seed 1 year, Il months and I day.

BIFFER-On Sunday, Oct. 18, at the residence of his aust, No. 220 Gold street, Brooklyn, Christian Hipper, in the Eth year of his age.

BUNT-At No. 42 Norfolk street on Thursday, Oct. 22, William Figure, Inhant son of John W. and Mary Hunt.

JENNINGS-At No. 52 Norfolk atreet, on Thursday, Oct. 22, Fhillip Ecward Jennings, aged 3 years and 27 days.

KEERNAN-At No. 220 East Fourteenth street, on Thursday, Oct. 22, Jas Keernau, and 55 years, native of Canagalan, Centry Lethim, Freind.

LEWIS-In Brooklyn, on Thursday, Oct. 22 Mr. Andrew Lewis grass cutter, a mative of Dutcheas County N. Y., in the 28th year of his age.

MILLS-In Brooklyn, on Thursday, Oct. 22, of consumption, Whiters H. Mills, son of Charles N. Mills, in the 41st year of his age.

MILLS.—In Brocklyn, on Toursday, Oct. 22, of consumption, Whiten H Mills, son of Charles N. Mills, in the 41st year of his age.

The friends of the family are invited to attend his interal from his late revidence. No a Hampden street, this day (Saturday) at 1 a clock. His remains will be taken to Hartford, Comm., for the ment.

Hattford papers please copy.

MACOMBER.—At New Hartford, Onelds County, N. V., on Menday, Oct. 12, Mary, wife of Horace H. Macomber, and daughter of Serves and Hartford, deceased, aged 64 years.

MAGUIRE.—At No. 165 First avence, on Wednesday morning.
Oct. 21, John Enguler, aged 65 years.

NEHER.—On Wednesday wendes Oct. 21, at the residence of

MAGUIRF—At No. 103 First avenue, on Wednesday morning.
Oct 21, John bisguine aged 15 years.
NEHFR. On Wednesday evening Oct 21 at the residence of her daughter. Mrs. Martine of Frankisid N. J., after a linger ing direct. Anna widow of Frederick Neher of Rod Hook, N. Y., in the 77th year of her age.
RORINSON—On Wednesday, Oct 21, after a short but severa litures facile it. Rehimson, wife of James T. Robinson, aged 15 years and a mouths.
The relatives and friends of the family, those of her sone in-law, Thomas L. Jacobu, John Miller and George C. Stimson, aged calconian Sechal Union No. 1, and the members of Heavy of the Chapter No. 7 U. D. of A. are respectfully invited to at end of the fineral on Studen afternoon, the 25th inst. of 2 of olock, from her late residence, No. 108 Sellivan attention and California papers please copy.
HAW—At Perkellil, on Saturday, Oct. 17, the Hea. Heary Shaw formerly of Messachults aged 25 years.
VADERHOUF File B. Broating, on Thorrandy, Oct. 22 Heary G affects of the Samuelta, youngest son of J. V. E. and Satar Vandertoed.
WILLIAMS—Dr. William C. Williams of Manchester, Count,

Vandert oef.

WILLIAMS—Dr. William C. Williams of Manchester, Count, committed suited son Tuesday, Oct 6. This event has count a beauties and glocum over the whole town. He was 57 years of years of the county of the was 57 years of the was 57 yea

con mitted suicide on tuesday. Oct a Third substitute and placem aver the whole town. He was 57 years of some and given a ver the whole town. He was 57 years of are.

Dr. Williams sayly in life, made a public profession of railing, and has ever been exact in the performance of all the external duties pertainns there to He was attentian to the bounce of some pertainns and was a regular attentiant at the house of God, so far as the peculiar neture of his basiness permitted. He was a different rader of the Bible, and punctual in the performance of relia out cuttes in his family. As a physician he was thereighly educated, and a constant learner by observation as the permal of the best medical journels of the day. He are it dustrious, punctual and hind, possessed of tender feelings and a sympathizing heart. He was very accurate in his diagnosis of the save, and a some safely practitioner. As a neighbor, he was oblishing and a necessarial practitioner. As a neighbor, he was oblishing and a checked of the practice of his perspective, and a was emphatically an some among the practice of the save street which he has been constantly degrees do not an all the perfect of the perfect of the perfect firmerial critical solution to body and increasing the pracent firmerial critical solutions to be perfect firmerial critical solutions of body and increasing the pracent firmerial critical solutions of perfect the influence of which he according to brain, is which he was probably correct. Some losses deries the present firmerial critical solutions of solutions of which he according to heart the according to the perfect firmerial critical solutions of solutions of which he according to heart the admits a samity was the result, under the influence of which he according to the perfect of the course of the perfect of his own life.

A large concourse of people attended his firmen, and all the course of the cour

The circumstances of Dr. Williams's dea'h are truly paintel.
The circumstances of Dr. Williams's dea'h are truly paintel.
But let us be careful how we prascusee them crismin. Suibut let us be careful how we prascuse them crismin.
Circumstances of the careful and the careful of every contract of the contract of the